

Appl. No. 10/054,550
Amdt. dated 11/20/2003
Reply to Office Action of August 27, 2003

PATENT

REMARKS/ARGUMENTS

Claims 35-50 are pending in the present application. Claims 1-34 have been canceled, without prejudice. Claims 35-36, 42, and 45-46 have been amended.

No new matter has been added to the amended claims. Support for the amended can be found in the original disclosure.

A request for continued examination (RCE) is being filed herewith.

Rejections Under § 112, Second Paragraph

Claims 35-50 were rejected under § 112, second paragraph as being indefinite for omitting an essential step. Claims 35 and 45 have been amended to clarify that the patterning and etching step forms a sensor well in the first conductive layer and in the first insulating layer.

Claim 42 has been amended to delete the reference to the third conductive layer.

Prior Art Rejections of the Claims

Claims 35-50 were rejected as being anticipated by or obvious in light of U.S. Patent 4,062,750 to Butler.

Applicants wish to point out that, in Butler, photoresist layer 76 and cathode metallization layer 86 are removed during subsequent process steps. Specifically, Butler states that "The process is then completed by lifting off the negative photoresist layer 76, carrying with it the metallization 86 over the anode layer 74." Butler col. 17, lines 18-20.

Claims 35 and 45 have been amended to recite "wherein the first insulating layer is not removed during the formation of the analyte detection sensor." Butler "wherein the second conductive layer is not removed during the formation of the analyte detection sensor."

In Butler, photoresist layer 76 and metallization layer 86 are removed during subsequent process steps during the formation of the structure shown in Figures 9A-9C.

For at least these reasons, claims 35-50 are novel and nonobvious over the cited prior art references.

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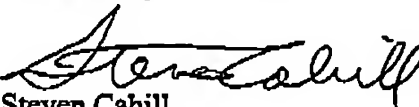
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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